

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

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ESTATE OF ROGER D. :  
OWENSBY JR., et al., :  
:  
Plaintiffs, :  
vs. : Case No. 01-CV-769  
: (Judge S. A. Spiegel)  
CITY OF CINCINNATI, :  
et al., :  
:  
Defendants. :  
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Deposition of CRAIG RICHARD COBURN, a  
witness herein, called by the plaintiffs for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Wendy Davies  
Welsh, a Registered Diplomate Reporter and Notary  
Public in and for the State of Ohio, at the offices  
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &  
Walnut Centre, 105 East Fourth Street, Cincinnati,  
Ohio, on Monday, December 15, 2003, at 10:01 a.m.

Estate of R.Owensby, Jr. vs. City of Cinti.  
December 15, 2003

CRAIG R. COBURN

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1 APPEARANCES:		1 S T I P U L A T I O N S	
2 On behalf of the Plaintiffs:		2 It is stipulated by and among counsel for the	
3 Paul B. Martins, Esq.		3 respective parties that the deposition of CRAIG	
4 Helmer, Martins & Morgan Co. LPA		4 RICHARD COBURN, a witness herein, called by the	
5 Suite 1900, Fourth & Walnut Centre		5 plaintiff for cross-examination, pursuant to the	
6 105 East Fourth Street		6 Federal Rules of Civil Procedure, may be taken at	
7 Cincinnati, Ohio 45202		7 this time by the notary; that said deposition may be	
8 Phone: (513) 421-2400		8 reduced to writing in stenotype by the notary, whose	
9 John J. Helbling, Esq.		9 notes may then be transcribed out of the presence of	
10 The Helbling Law Firm, L.L.C.		10 the witness; and that proof of the official	
11 3672 Springdale Road		11 character and qualifications of the notary is	
12 Cincinnati, Ohio 45251		12 expressly waived.	
13 Phone: (513) 923-9740		13 - - -	
14 On behalf of the Defendants City of Golf Manor,		14	
15 Stephen Tilley, Roby Heiland and Chris		15	
16 Campbell:		16	
17 Lynne Marie Longtin, Esq.		17	
18 Rendigs, Fry, Kiely & Dennis		18	
19 900 Fourth & Vine Tower		19	
20 One West Fourth Street		20	
21 Cincinnati, Ohio 45202-3688		21	
22 Phone: (513) 381-9200		22	
23 On behalf of Defendants City of Cincinnati,		23	
24 Darren Sellers, Jason Hodge:		24	

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1 APPEARANCES (Continued):		1 I N D E X	
2 On behalf of the Defendants Robert B. Jorg,		2 Examination by: Page	
3 Patrick Caton, Jason Hodge, Victor Spellen and		3 Mr. Martins . . . . . 6	
4 Darren Sellers:		4 - - -	
5 Donald E. Hardin, Esq.		5	
6 Hardin, Lefton, Lazarus & Marks, LLC		6 E X H I B I T S	
7 915 Cincinnati Club Building		7 Plaintiff's Exhibits 98 & 99 . . . . . 8	
8 30 Garfield Place		8 Plaintiff's Exhibit 100 . . . . . 48	
9 Cincinnati, Ohio 45202		9 - - -	
10 Phone: (513) 721-7300		11	
11 - - -		12	
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(800) 578-1542 \* MERIT \* (513) 381-8228

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1 20 weeks.  
 2 Q. I want to ask you, some of the police  
 3 officers that were on the scene on November 7th when  
 4 you got there, I want to run through some of the  
 5 names with you and ask you whether or not you know  
 6 these officers.  
 7 A. Okay.  
 8 Q. First one is officer Robert Blaine Jorg?  
 9 A. No, sir, I do not know him.  
 10 Q. Patrick Caton?  
 11 A. No, sir, I do not know him.  
 12 Q. David Hunter?  
 13 A. No, sir.  
 14 Q. Jason Hodge?  
 15 A. No, sir.  
 16 Q. David Scellers?  
 17 A. No, sir.  
 18 Q. Okay. On November 7th it's my  
 19 understanding that at approximately 8:00 you arrived  
 20 at the Sunoco station at the corner of Seymour  
 21 Avenue and Langdon Farm Road; is that right?  
 22 A. Yeah. According to the run report here  
 23 our arrival was eight minutes after 8:00.  
 24 Q. 2008 is how it's indicated?

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1 A. Yes, sir.  
 2 Q. Do you recall how you received  
 3 notification to go to that scene?  
 4 A. Yes, sir. From what I recall in reading  
 5 this, I remember it was the election night. And I  
 6 don't know what we were doing around the firehouse,  
 7 but one of the -- either I heard it or one of the  
 8 other firefighters had heard the call come in on the  
 9 radio that one of the engine companies was  
 10 requesting a rescue unit up on Langdon Farm.  
 11 So we knew that that was our first due  
 12 area as a rescue unit. And then one -- probably 30  
 13 seconds later our Zetron went off, which is the  
 14 notification system in the fire station to dispatch  
 15 us on a run.  
 16 Q. Where is your fire station in relation to  
 17 Langdon Farm and Seymour?  
 18 A. Rescue 46 is located at the corner of Erie  
 19 and Michigan, in Hyde Park.  
 20 Q. Is there an engine company associated with  
 21 this location at Erie and Michigan, in Hyde Park?  
 22 A. Yes, sir, Engine Company 46.  
 23 Q. So Rescue 46 and Engine Company 46?  
 24 A. Yes, sir.

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1 Q. Based on your recollection, from the time  
 2 that you received notice of a need to go to this  
 3 location, how long did it take to get there?  
 4 A. According to the run report, which is  
 5 taken off of our computer system with the  
 6 dispatcher, it was approximately eight minutes.  
 7 Q. By run report, you're referring to  
 8 Exhibit 99, right?  
 9 A. Yes, sir.  
 10 Q. Let's take a look at this. At the top  
 11 block it says 11-7-00.  
 12 A. Yes, sir.  
 13 Q. Unit shift: 3. And then across from that  
 14 it says Company #, and there's 8/2, and then R46. I  
 15 think that would be Rescuc 46. What does the 8/2  
 16 mean?  
 17 A. That block is where the first responding  
 18 engine company puts their number. There were two  
 19 engine companies on the scene that evening. It was  
 20 Engine 8 and Engine 2.  
 21 Q. Did they also come from the  
 22 Erie/Michigan/Hyde Park --  
 23 A. No, sir. Engine Company 8 is located at  
 24 Montgomery and Langdon Farm Roads, and Engine 2 is

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1 located at Seymour and Vine.  
 2 Q. Then under that, the second line begins,  
 3 Incident No., and there's a number 179 there. Is  
 4 that just, to your knowledge, issued on a sequence?  
 5 A. Yes, sir. Every night at midnight the  
 6 runs start over again at zero. So that was the  
 7 179th run for that day starting between midnight --  
 8 starting at midnight on the 7th.  
 9 Q. This would be for citywide for the city of  
 10 Cincinnati?  
 11 A. Yes, sir.  
 12 Q. Then there's an F -- it looks like an FDZ?  
 13 A. Yes, sir.  
 14 Q. What is that?  
 15 A. That's referred to as the fire demand  
 16 zone. I'm not exactly sure of it's purpose, but  
 17 what I've been told is that it tracks the runs in  
 18 certain areas. Each street, area of the city, is  
 19 issued a fire demand zone. And that comes up -- we  
 20 obtain that from the dispatch, the computer-aided  
 21 dispatch.  
 22 Q. Next to that is a block called, it looks  
 23 like Call Received?  
 24 A. Yes, sir.

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1 Q. There's 1956 hours and then 2000 hours.

2 **Do you know what that means?**

3 A. Yes, sir. The first engine company was  
4 dispatched at 1956 and Rescue 46 was dispatched at  
5 2000 hours.

6 Q. So I read from the top above that, Engine  
7 8 and 2 were dispatched at 1956?

8 A. Actually, I believe it was just Engine  
9 Company 8 that was dispatched. Engine Company 2  
10 apparently heard the run. And a lot of times, not  
11 just in this case, but on a daily basis when it  
12 sounds like people need help or they need an extra  
13 set of hands, companies take it upon themselves to  
14 kind of mosey or go on over that way and assist  
15 whoever needs help.

16 Q. So Rescue 46 received the call at 8:00,  
17 2000 hours, and then On Scene, Engine 2 arrives at  
18 2000 hours and Rescue 46 arrives at 2008. Am I  
19 reading that correctly?

20 A. Yes, sir.

21 Q. When you arrived on the scene in Rescue  
22 46, can you describe for me what you saw.

23 A. I could probably review this a little bit,  
24 but --

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1 Q. For the record, you're looking at  
2 Exhibit 98?

3 A. Yes, sir.

4 Q. All right.

5 A. Yeah. From what I recall there are two  
6 engine companies on the scene, which is Engine  
7 Company 8 and Engine Company 2. I believe we parked  
8 our ambulance -- I get the streets mixed up up  
9 there. We didn't pull into the lot. We just parked  
10 out onto the street. And then we took the cot out  
11 of the back of our ambulance and we walked up to the  
12 scene. And there was a paramedic that was  
13 intubating the patient.

14 Q. Who was that paramedic?

15 A. It says here that it was Ron Killion.

16 Q. Do you know Mr. Killion?

17 A. Yes.

18 Q. Did anyone attempt to fill you in on the  
19 status of the patient?

20 A. I don't really recall. Normally we try to  
21 find out what exactly happened or the events leading  
22 up to why a person went into cardiac arrest. On any  
23 run we try to figure out what happened prior to that  
24 just so we know what our course of action would be,

1 and also for the hospital. The doctors there  
2 usually like to know what happened.

3 Q. Did someone tell you that Mr. Owensby was  
4 in cardiac arrest?

5 A. Well, when we walked up he was being  
6 intubated and some of the firefighters were doing  
7 CPR, so that's definitely an indication that  
8 somebody's in cardiac arrest.

9 Q. Could you tell when you walked up whether  
10 or not he was handcuffed?

11 A. No, sir. I do not recall. I don't know  
12 if it's in here or not.

13 Q. So what happens next?

14 A. Basically, from reading this and what I  
15 can recall, we kind of stood back, and there were  
16 already a couple paramedics on the scene, and they  
17 were on the engine companies and they are providing  
18 the ALS care. From what I recall, my partner and I  
19 just kind of assisted them, getting them the drugs  
20 out of the drug box and assisting them with that.  
21 And then we moved the patient onto the cot and  
22 transported to the hospital.

23 Q. Who rode in the back of the rescue unit  
24 with the patient?

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1 A. It was myself and paramedic Greg Presuteo.

2 Q. Anyone else?

3 A. No, sir.

4 Q. When you got on the scene -- well, let me  
5 ask you this: I take it you have experience with  
6 administering to people in cardiac arrest before  
7 this time?

8 A. Yes, sir.

9 Q. Based on your training and your  
10 experience, is it your understanding that if someone  
11 goes into cardiac arrest that providing prompt  
12 medical assistance, whether it be CPR or other  
13 medical assistance, is critical?

14 A. Yes, sir.

15 Q. That time is of the essence?

16 A. Yes, sir.

17 Q. In looking at Exhibit 99, you have  
18 information on here describing the treatment given  
19 for the patient. And you also have information at  
20 the top of the page concerning the background  
21 information, that it was Roger Owensby Junior, his  
22 age, his address, and the like. Do you see that?

23 A. Yes, sir.

24 Q. Where did you get this?

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<p>1 working on your run report?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Which is Exhibit 99?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Is that when you were copying over what</p> <p>6 was in the run report, the original run report,</p> <p>7 because it had blood on it?</p> <p>8 A. Yes, sir. This portion, my narrative,</p> <p>9 would not have been written until we were at the</p> <p>10 hospital. So the only part that was copied was</p> <p>11 probably the top portion there.</p> <p>12 Q. As I understand it, as far as the</p> <p>13 background information on Mr. Owensby, you don't</p> <p>14 know how that was obtained?</p> <p>15 A. No, sir, I don't.</p> <p>16 Q. In the second block, second set of blocks,</p> <p>17 it says Location Of Call: 2098 Seymour. Nature of</p> <p>18 Call: Injured person. And then Chief Complaint:</p> <p>19 Cardiac arrest. Did you fill that in? I mean,</p> <p>20 originally?</p> <p>21 A. No, sir.</p> <p>22 Q. Do you know how it was determined that the</p> <p>23 chief complaint was cardiac arrest?</p> <p>24 A. Only by assumption would be that when</p>	<p>Page 54</p> <p>1 the time frame was, but usually, yes, once we move</p> <p>2 them to -- usually, once we move them from wherever</p> <p>3 they're at to the ambulance, we'll obtain another</p> <p>4 set of vital signs and record it then.</p> <p>5 Q. So the practice is that second set is when</p> <p>6 the person is actually in the ambulance?</p> <p>7 A. Normally, sir, yes, sir.</p> <p>8 Q. Is there any reason to believe that this</p> <p>9 was done any differently on this night?</p> <p>10 A. No, sir.</p> <p>11 Q. Then you have 3rd Set, and the time, I</p> <p>12 can't quite make out. What is that?</p> <p>13 A. It looks like it would be 2030, but,</p> <p>14 again, I --</p> <p>15 Q. At 8:30, when was the vital signs -- or</p> <p>16 where were you and Mr. Owensby at that time?</p> <p>17 A. Sir, I do not recall. However, it is my</p> <p>18 practice that I try to obtain the third set of</p> <p>19 vitals if there's an extended transport time of</p> <p>20 greater than 10 minutes after the first set. Or</p> <p>21 usually right upon our arrival at the hospital I</p> <p>22 always obtain another set to see if there was any</p> <p>23 changes in the treatment that I gave somebody.</p> <p>24 Q. Based on your practice and custom, when</p>
<p>Page 55</p> <p>1 Engine 8 arrived on the scene the person was in</p> <p>2 cardiac arrest.</p> <p>3 Q. Well the top two blocks filled out by</p> <p>4 Engine 8?</p> <p>5 A. I do not know. I would assume, but I</p> <p>6 don't know.</p> <p>7 Q. Then there's vital signs. Under Vital</p> <p>8 Signs it says 1st Resp, and then 1st Set. What does</p> <p>9 that mean?</p> <p>10 A. That means the first responder set. Most</p> <p>11 of the time they are able to obtain a set of vital</p> <p>12 signs before a transport unit arrives on the scene.</p> <p>13 Q. So it's vital signs from the first</p> <p>14 responder, and then the next line is a transport</p> <p>15 unit, that would be yours?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Second set?</p> <p>18 A. Yes, sir.</p> <p>19 Q. The time was 10 minutes after eight?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Does that mean that at 10 minutes after</p> <p>22 eight Mr. Owensby's body was on the board and in</p> <p>23 Rescue 46?</p> <p>24 A. I cannot -- I don't recall exactly what</p>	<p>Page 57</p> <p>1 would you say your third set of vital signs were</p> <p>2 taken?</p> <p>3 A. I would say probably close to -- either at</p> <p>4 or close to University Hospital.</p> <p>5 Q. 1st Responder Primary Assessment, and it</p> <p>6 says: Patient under CPR upon arrival by police, and</p> <p>7 then I can't make out the rest of that?</p> <p>8 A. Looks like, "E8 took over CPR."</p> <p>9 Q. By E8, you mean Engine 8?</p> <p>10 A. Yes, sir.</p> <p>11 Q. On the vital signs, we have blood</p> <p>12 pressure, pulse, and respiration?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All of those were negative?</p> <p>15 A. Yes, sir. Zero.</p> <p>16 MR. MARTINS: Thank you, sir. I have no</p> <p>17 further questions.</p> <p>18</p> <p>19 CRAIG RICHARD COBURN</p> <p>20 ---</p> <p>21</p> <p>22 (Deposition concluded at 11:20 a.m.)</p> <p>23 ---</p> <p>24</p>

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1 A. No, sir.	1 A. No, sir, she's a firefighter/EMT.
2 Q. Do you know who Dr. Schultz is, Daniel	2 Q. Do you know whether or not Ms. Weddle was
3 Schultz, deputy coroner?	3 performing any medical services at the time?
4 A. No, sir.	4 A. I don't recall exactly when she was doing
5 Q. So I take it you wouldn't know if he	5 when we pulled up. All I know is, from what I
6 arrived on the scene while you were there?	6 remember, she's the one that drove us to the
7 A. No, I would not know that.	7 hospital in the ambulance.
8 Q. I take it you do not recall whether	8 Q. Say that again?
9 anyone, other than this police officer identified on	9 A. She drove the ambulance to the hospital.
10 page 3 of Exhibit 98, were ever with the body of Mr.	10 Q. Did you go to the hospital in your rescue
11 Owensby, obviously, other than you?	11 unit?
12 A. Yeah. I don't know.	12 A. Yes.
13 Q. Have you performed CPR on individuals?	13 Q. So she drove?
14 A. Yes, sir.	14 A. Yes. So my partner and I could ride in
15 Q. Based on your experience and training on	15 back.
16 performing CPR, should the individual be laying flat	16 Q. Do you know what she did once you got to
17 on the ground?	17 the hospital?
18 A. Yes, sir.	18 A. I do not know.
19 Q. That's so that you have an area to push on	19 Q. Do you know how she got back to Engine 2?
20 the chest?	20 A. Yes, sir. We took her back to Engine 2.
21 A. Yes, sir. Specifically, the upper half of	21 Q. So when you eventually came out of the
22 the chest should be on a flat surface.	22 resuscitation room you hooked up with your partner
23 MR. MARTINS: Let's take a short break.	23 and Ms. Weddle and you drove back, or one of you
24 (Recess taken: 11:07 a.m. - 11:11 a.m.)	24 drove back?
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1 BY MR. MARTINS:	1 A. Yeah. I don't remember who drove back.
2 Q. Do you happen to know any of the personnel	2 Q. Do you have a recollection of when you got
3 that were on the scene at Seymour Avenue and Langdon	3 back to your home base?
4 Farm from Engine 8?	4 A. I don't recall. I don't remember what
5 A. From what I recall, Greg Phelia was there.	5 time it was.
6 I know who the guys on Engine 8 were, but I can't	6 Q. Do you recall if it was before midnight or
7 say exactly who -- I just don't remember exactly who	7 after midnight?
8 was there that night.	8 A. I'm -- I would say, yeah, it would have
9 Q. Mr. Phelia was doing what?	9 been before midnight.
10 A. When we arrived he was attempting to start	10 Q. Based on your recollection, I know you
11 the IV.	11 can't give me the exact time that you left UC
12 Q. Other than Mr. Phelia, I take it you can't	12 hospital, but can you give me an idea of how much
13 recall the identities of any of the Engine 8	13 time you spent at UC hospital? Are we talking a
14 personnel?	14 half-hour, are we talking an hour?
15 A. No, sir, not offhand.	15 A. I would say probably at least a half-hour.
16 Q. What about Engine 2, can you identify any	16 Because I remember reading, it said that they had
17 Engine 2 personnel?	17 worked on him for 20 to 25 minutes. And I was there
18 A. Yeah. Engine 2, it was Ron Killion, and I	18 until after they pronounced him. So during that
19 remember Leah Weddle. I don't remember who the	19 time, and give or take another five or ten minutes.
20 other two personnel were that were there.	20 Q. Would it be fair to say somewhere between
21 Q. How do you spell that?	21 a half-hour and an hour?
22 A. Leah is L-E-A-H. And her last name is	22 A. Yes, sir.
23 W-E-D-D-L-E.	23 Q. As I understand your statement, while you
24 Q. Is Leah Weddle a paramedic?	24 are in the resuscitation room, is that when you're